

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

YIN CHEN, et al.

Serial No: 10/743,956

Filed: December 23, 2003

Title: OLIGODEOXYNUCLEOTIDE (ODN) LIBRARIES, THEIR USE IN SCREENING FOR ANTIBACTERIAL AGENTS, AND CATALYTIC ODN SEQUENCE FOR USE AS AN ANTIBACTERIAL AGENT

TO:

Commissioner of Patents and Trademarks
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR 1.8a)
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope, addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

Cindee R. Ewell 6/27/06
Name: Cindee R. Ewell Date

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In compliance with Applicant's duty of candor and good faith, Applicant files this Information Disclosure Statement in accordance with the provisions of 37 CFR §§1.97 and 1.98 to make the references listed on the attached disclosure form PTO/SB/08 of record in the captioned application.

Also, in compliance with § 1.97, an information disclosure statement is herein filed within one of the following time periods:

- ☒ (1) the information disclosure statement is filed in the early stages of prosecution:
- ☐ within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ before the mailing of a first Office action on the merits; OR
 - ☐ before the mailing of a first Office action after the filing of a request for continued examination under §1.114;

OR,

- ☐ (2) the information disclosure statement is filed before the mailing date of any of a final action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by ONE OF:

- ☐ A statement as specified under 37 CFR 1.97(e):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

OR,

- ☐ The fee set forth in §1.17(p),

OR,

- ☐ (3) the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:

- ☐ The statement specified under 37 CFR 1.97(e);

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

AND,

- ☐ The fee set forth in §1.17(p).

Also, in accordance with the above provisions, please find:

- ☒ A copy of an earlier filed Supplemental Information Disclosure Statement from a related but earlier filed application containing similar subject matter which may be material to the patentability of this continuation, divisional or continuation-in-part application.

The earlier filed Supplemental Information Disclosure Statement was submitted for application:

CRYA,025 (10/453,410) 2 pgs Supplemental IDS filed: June 26, 2006

Applicant hereby requests consideration of the art previously cited on the copy provided.

- ☒ A copy of search reports, in addition to what was provided with the original IDS filed on 2/17/06, provided by official examining authorities for applications containing similar subject matter which may be material to the patentability of this application.

The search reports were generated for applications:

International Search Reports:

INGA,004/PCT	(PCT/US99/23936)	4 pgs
INGA,004/CIP/PCT	(PCT/US00/27381)	3 pgs
CRYA,008/PCT	(PCT/US99/23933)	4 pgs
CRYA,018/PCT	(PCT/US03/13593)	1 pg
CRYA,023/PCT	(PCT/US03/39033)	1 pg

International Written Opinions:

INGA,004/PCT	(PCT/US99/23936)	1 pg
INGA,004/CIP/PCT	(PCT/US00/27381)	1 pg
CRYA,008/PCT	(PCT/US99/23933)	1 pg

European Examination Report:

INGA,004/EP	(PCT/US99/23936)	1 pg
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USPTO Search Reports:

CRYA,008	(09/397,783)	1 pg
CRYA,018	(10/136,218)	1 pg
CRYA,023	(10/313,828)	2 pgs

Applicant hereby requests consideration of the art cited on the copies provided.

- ☒ An Information Disclosure Statement in accordance with §1.98(a)(1);
- ☒ Legible Copies in accordance with §1.98(a)(2) of:
- (i) each foreign patent;
 - (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office;
 - (iii) for each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and
 - (iv) all other information or that portion which caused it to be listed.
- ☐ In accordance with §1.98(a)(3), for documents not in the English language:
- ☐ a concise explanation of the relevance, as it is presently understood by the individual designated in §1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language;


AND,

- ☐ a copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in §1.56(c).
- ☐ A Check in the amount of the fee set forth in 37 CFR §1.17(p) in accordance with 37 CFR §§1.97(c)(2) and 1.97(d)(2).
- ☐ A Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address
- ☐ A Statement under 37 CFR 3.73(b) and any required accompanying documents.
- ☒ A stamped, self-addressed Postcard acknowledging receipt of this document and the accompanying documents as listed herein above.

Please return the enclosed postcard, properly date stamped, to the undersigned attorney for Applicant upon receipt of the enclosed correspondence.

In the event a check covering the appropriate fee(s) is not enclosed, is unsigned, or is insufficient in amount, the Commissioner is authorized to charge Deposit Account No: 50-3748 (CRYA,025/CIP) for the amount of any deficiency.

Respectfully submitted,


Malcolm Skolnick

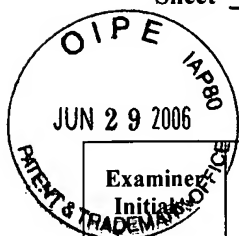
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Date: 26 June 2006

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Application Number: 10/743,956
 Filing Date: Dec. 23, 2003
 First Named Inventor: Yin CHEN
 Art Unit: 1639
 Examiner Name: Christopher M. Gross
 Attorney Docket Number: CRYA 025/CIP

Sheet 1 of 2



U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number	Publication date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code- Number-Kind Code	Publication date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		WO 03/093424	11/13/03	CONRAD, CHEN -ASSIGNEE	

EXAMINER SIGNATURE _____ DATE CONSIDERED _____

**SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 2 of 2

Application Number: 10/743,956
Filing Date: Dec. 23, 2003
First Named Inventor: Yin CHEN
Art Unit: 1639
Examiner Name: Christopher M. Gross
Attorney Docket Number: CRYA 025/CIP

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		CHEN, Y., <i>Novel Intracellular Single-Stranded DNA Expression System and its Application</i> , RNA In Drug Development: RNA as a Tool and as a Target, The Knowledge Foundation's 3 rd Annual International Conference, November 2003 (ABSTRACT / SLIDES -5) -ASSIGNEE	

EXAMINER
SIGNATURE _____

DATE
CONSIDERED _____

**SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 1 of 2



Application Number: 10/453,410
 Filing Date: 06/03/2003
 First Named Inventor: Yin CHEN
 Art Unit: 1639
 Examiner Name: Christopher M. Gross
 Attorney Docket Number: CRYA 025

PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document Number	Publication date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		2003/0082800	05-01-2003	CONRAD	
		5,910,408	06-08-1999	SZOSTAK	
		2003/0082800	05/01/03	CONRAD, CHEN -ASSIGNEE	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code- Number-Kind Code	Publication date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

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**SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet 2 of 2

Application Number: 10/453,410
Filing Date: 06/03/2003
First Named Inventor: Yin CHEN
Art Unit: 1639
Examiner Name: Christopher M. Gross
Attorney Docket Number: CRYA 025

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		AGRAWAL, S. et al., <i>Antisense Therapeutics: Is it as simple as complementary base recognition?</i> Molecular Med. Today, Vol. 6, pages 72-81 (2000).	
		BRANCH, A., <i>A Good Antisense Molecule is Hard to Find</i> , Trends in Biochem. Sci., Vol. 23, pages 45-50 (1998).	
		BREAKER, R.R., <i>In Vitro Selection of Catalytic Polynucleotides</i> , Chem. Rev., 97: 371-90, 1997.	
		CHEN, Y., and McMICKEN, H., <i>Application of a Novel Single-Stranded DNA Expression Vector for Gene Regulation</i> , Drug Target Validation: Gene Suppression, Keystone Symposia, Tahoe City, CA, Abs.No.112, Jan.2003 (ABSTRACT-3) -ASSIGNEE	
		CHEN, Y., and McMICKEN, H., <i>Application of a Novel Single-Stranded DNA Expression Vector for Gene Regulation</i> , Cancer Gene Therapy, Vol. 10, Supp. 1, Abs.No. 72, January 2003 (ABSTRACT-4) -ASSIGNEE	
		CHEN, Y., et al., <i>Novel Intracellular Single-Stranded DNA Expression System: Production of c-raf RNA-cleaving DNA Enzyme</i> , Gene Therapy 2001: A Gene Odyssey, Keystone Symposia, Snowbird, Utah, January 2001 (ABSTRACT-1) -ASSIGNEE	
		CHEN, Y., et al., <i>Novel intracellular single-stranded DNA expression system: Production of c-raf RNA-cleaving DNA enzyme</i> , Cancer Gene Therapy, Vol. 8, Supp. 2, Abs. No. O-6, December 2001 (ABSTRACT-2) -ASSIGNEE	
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		DIAS, NATHALIE and STEIN, C.A., <i>Antisense Oligonucleotides: Basic Concepts and Mechanisms</i> , Molecular Cancer Therapeutics, 1: 347-55, 2002.	
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		KONINGS, R.N.H., et al., <i>Transcription of the filamentous phage genome</i> , The Single-stranded DNA phages (Ed: D.T. Denhardt, et al), pp. 507, 1978.	
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